

# Memorandum

**To:** Region Chiefs  
Assistant Region Chiefs  
Unit Chiefs  
Unit Foresters  
Region Forest Practice Managers

**Date:** July 25, 2005

R15

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**From:** William E. Snyder, Deputy Director  
**Department of Forestry and Fire Protection**

**Subject:** Timberland – Vegetation Management Program, CFIP, Prop 40

There has been recent discussion among Unit, Region, and Sacramento personnel concerning the use of the public funds on timberland and the added complexity that results when publicly funded activities (Programs) overlay Timber Harvesting Plans and Non-Industrial Timber Management Plans (Plans). For the purpose of this memo, Projects include vegetation treatment activities associated with the Vegetation Management Program (VMP), Prop 40, and the California Forest Improvement Program (CFIP).

CDF's policy precludes the use of public funds (i.e. cost share or grant funds) for work that is already required under existing law. For example, use of Prop 40 dollars to dispose of slash created by timber operations within 100 feet of structures maintained for human habitation would be contrary to CDF policy, because this work is required under existing forest practice regulation (14 CCR § 917.2 [937.2, 957.2]). This code section requires disposal of slash 1-8 inches in diameter and/or within 100 feet of any residence maintained for human habitation. Therefore, it would be inappropriate to use Prop 40 dollars to treat this slash using grant funds. Staff involved in these various programs are instructed to implement the following policy:

- Unit staff responsible for preparing CEQA documentation for VMP, CFIP, Prop 40, or any other "Program" where public assistance grant monies will be used shall consult with Unit and Region forest practice staff to determine if the Program area coincides with any portion of an approved or proposed Plan. The purpose of the consultation is to ensure that all interested parties clearly understand what activities will be conducted in accordance with the Plan and which activities will be conducted as part of a publicly funded program.



- In instances where a publicly funded program is proposed after a Plan has already been approved for the same geographic area (or portion thereof), CDF Unit staff will consult with the proponent informing them of which activities must be conducted per the Plan (with no public funded support), and those enhancements or improvements to the project where public monies can be used. This communication shall be included as part of the CEQA documentation for the Program.
- In instances where a Plan is proposed, and CDF is aware that public support in the form of grant dollars or program assistance such as VMP, will also be sought to enhance the Program work for the same geographic area, Unit and Region staff shall work closely together to make sure that the approved language in the Plan clearly distinguishes between Plan related activities necessary to comply with the rules and the activities planned to accomplish the grant purposes. Specific operational instructions for Plan related activities shall be included in Section II of the Plan. Program treatment activities related to the work required in Section II shall be included in Section III/IV of the Plan, to satisfy CEQA disclosure of the "project as a whole". Where the program activities are intended to take place concurrently with the Plan required activities, the Plan should discuss timing of treatments, who is responsible for completing the treatment and provide for coordination between the Plan submitter, CDF's Forest Practice Inspector and the agency program representative to insure that Plan related work is completed in conformance with the rules and applicable rule provisions.
- When a consulting forester (RPF) proposes a Plan using the Fuelbreak/Defensible Space special prescription per 14 CCR § 913.4(c) [933.4(c), 953.4(c) and public support in the form of grants or other public resources has been secured for fuel treatment, the CDF Forest Practice Inspector and Region should coordinate with the Plan submitter, and agency providing the support to insure that the proposed Plan fuelbreak /defensible space prescription meets the objectives of the local Community Fuelbreak Area. In those instances where public support has been secured for fuel treatment, it will be the landowner's responsibility as part of the Plan to treat slash generated by his operations. Again, the Plan should clearly distinguish between the work to be completed under the Plan and the work to be completed under the public support, assign treatment responsibility, and provide for a contingency level of fuel treatment to be completed by the landowner. Where the public support activities are intended to take place concurrently with the Plan required activities, the Plan should discuss timing of treatments, who is responsible for completing the treatment and provide for coordination between the Plan submitter, CDF's Forest Practice Inspector and a representative of the agency providing public support to insure that Plan related work is completed in conformance with the rules and applicable rule provisions.

- When a consulting forester (RPF) proposes a Plan using the Fuelbreak/Defensible Space special prescription per 14 CCR § 913.4(c) [933.4(c), 953.4(c) and public support has not been secured for fuel treatment, the CDF Forest Practice Inspector and Region should coordinate with the Plan submitter, and agency potentially funding the fuel treatment to insure that the proposed fuelbreak or defensible space prescription and fuel reduction meet the objectives of the local Community Fuelbreak Area. In this instance the Plan should clearly distinguish between the work to be completed under the Plan and the work to be completed using public support if obtained, assign treatment responsibility and provide for a contingency level of fuel treatment to be completed by the landowner. The Plan submitter will be responsible for achieving a level of fuel treatment necessary to meet the rule requirements to reduce fuels to meet the objectives of the Community Fuelbreak area. The Inspector shall document his/her observations by conventional means using CDF's *Forest Practice System* (FPS) (Inspection Report or a Work Completion Report). The CDF Inspector should be prepared to provide specific information documenting whether or not the requirements of the rules and Plan provisions (Section II) have been met when preparing the FPS inspection notice. A copy of this notice shall be provided to the CDF Unit Program manager.

Region and Unit staff are instructed to coordinate administration of grant assistance programs and forest practice enforcement to avoid unnecessary delays for the project proponent. Hopefully, with proper coordination and communication costly delays (stops and start ups) can be avoided. Any questions on this directive may be addressed to Jeff Stephens at (916) 653-2380 or Duane Shintaku at (530) 224-2461.